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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,097	01/18/2002	Osamu Fukushima	1259-0220P	6549
2292	7590	09/20/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				LETT, THOMAS J
ART UNIT		PAPER NUMBER		
		2626		

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/050,097	FUKUSHIMA ET AL.
	Examiner	Art Unit
	Thomas J. Lett	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 January 2002.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1/18/02</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Haneda et al (USPGPub 20040223168 A1).

With respect to claim 1, Haneda et al disclose an image synthesizing apparatus for synthesizing a subject image with at least an additional image to produce a composite image, comprising:

an image input device (image filing and printing apparatus, para. 0099) for inputting image data of said subject image into a memory (image memory 35, para. 0103) ;

an image processing device (photo-joy printing service, para. 0099) for processing said image data to synthesize said subject image with at least an additional image; and

a mode switching device (MPU 30, which controls the apparatus, when the selection of the subject images to be synthesized (*reads on overlay mode*) by the user has been completed, the display screen of the display device 33 is switched to an

inlaying screen, para. 0165) for switching over said image synthesizing apparatus between an overlay mode (para. 0133, line 2- line 5) and an inlay mode, wherein, in said overlay mode, said image data of said subject image is input into said memory in a size corresponding to a designated print size of said composite image (para. 0133, line 8- line 11), and at least an additional image is overlaid on a predetermined portion of said subject image (see Fig. 12), whereas, in said inlay mode, a mount area is defined in said memory in correspondence with a designated print size of said composite image (a portion of the range of the subject image to be synthesized (the synthesis definition range) is extracted and synthesis processing is performed on the basis of the designation of the position and the information relating to the alignment which are obtained in the image synthesis on the display device 33, para. 0168), and said subject image and at least an additional image are inlaid in those ranges which are defined in variable sizes at appropriate locations within said mount area (see Fig. 23 showing controls such as enlargement and multisize).

With respect to claim 2, Haneda et al disclose an image synthesizing apparatus as recited in claim 1, wherein said image processing device processes said image data of said subject image on the basis of a template selected from among a plurality of templates (one kind of template image is selected among a plurality kinds of template images. A subject image is synthesized on the selected template image, para. 0116).

With respect to claim 3, Haneda et al disclose an image synthesizing apparatus as recited in claim 2, wherein said templates comprise templates which are prepared in correspondence with a plurality of kinds of additional images available in said overlay

mode, and templates for use in said inlay mode each of which is produced for each composite image to define the print size of said composite image, and the sizes and locations of said subject image and at least an additional image within said composite image (each of the template image data recording area for image display and the template image data recording area for printing is further divided into recording areas depending on the kind of template image. Template image data corresponding to the kind of template is stored in each of the areas, para. 0116, lines 4-10, **and** a decoration template includes types depending on the number of subject images and whether the subject images are displayed longitudinally or laterally. Template image data is stored for each type, para. 0117).

With respect to claim 4, Haneda et al disclose an image synthesizing apparatus as recited in claim 3, wherein said additional images available for said overlay mode comprise those images which are each constituted of a transparent portion for partly exposing said subject image and an ornamental image portion to be superimposed on said subject image (magnetic information recording areas 3a and 3c are also provided by applying a transparent magnetic material on a film. The magnetic information recording areas 3a and 3b, provided on the other side of the photographic film 1 are generally used for recording information in response to entry by a user, para. 0075-0076).

With respect to claim 5, Haneda et al disclose an image synthesizing apparatus as recited in claim 4, wherein said ornamental image portions comprise images to frame said subject image (magnetic information recording areas (frame information recording

areas) 3b and 3d provided in correspondence to each of the image recording areas 4 are used for recording information (frame information) relating to an image recorded, para. 0077).

With respect to claim 6, Haneda et al disclose an image synthesizing apparatus as recited in claim 2, wherein said templates comprise templates defining at least a character inlaying range for inlaying characters in said composite image (see Fig. 10, specifically the “x,y” location of the template “Title Display” characters which is inlaid in the composite image).

With respect to claim 7, Haneda et al disclose an image synthesizing apparatus as recited in claim 2, wherein when the same template is selected to be used for a plurality of subject images in said overlay mode, said image input device inputs image data of said plurality of subject images in continuous succession in response to a command, and said image processing device processes said image data of said subject images on the basis of said same template to produce a plurality of composite images successively (when there is a plurality of subject images to be synthesized, the processing is repeated, para. 0168).

With respect to claim 8, Haneda et al disclose an image synthesizing apparatus as recited in claim 1, wherein said image input device comprises a scanner (scanner 42, para. 0106) for picking up image data from an original.

With respect to claim 9, Haneda et al disclose an image synthesizing apparatus as recited in claim 8, wherein said scanner comprises a film scanner (film scanner of

Fig. 4, and see para. 0088-0094) that picks up image data from pictures photographed on a photographic film.

***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Blank (USPN 5,469,536) disclose an image editing system for constructing composite images.

Romano et al (USPN 5,920,685) disclose a printing system, for merging a scanned image with a merge image to produce a composite image.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is (571) 272-7464. The examiner can normally be reached on 7-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJL

(TJL)

KAW Williams

KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER